

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Bruce Holman,

Civ. No. 10-1693 (JNE/JJK)

Petitioner,

v.

ORDER

Warden Mark Theilan

Respondent.

Bruce Holman, #223330, 1101 Linden Lane, Faribault, MN 55021, *pro se*.

David J. Hauser, Esq., Assistant Otter Tail County Attorney, counsel for Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated October 21, 2010. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus (Doc. No. 7), is **GRANTED**;
2. Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), is **DENIED**; and
3. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 11-15-2010

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge